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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

BOARD OF TRUSTEES OF THE
PLUMBERS AND PIPEFITTERS UNION
LOCAL 525 PENSION PLAN,

Plaintiffs,

vs.

SOUTHWEST AIR CONDITIONING
SERVICE, INC., a Nevada corporation;
SOUTHWEST PLUMBING, INC., a Nevada
corporation,

Defendants.

Case No.

COMPLAINT

Plaintiffs allege:

1. This action arises under the Employee Retirement Income Security Act of 1974 (“ERISA”), 29 U.S.C. § 1399, 29 U.S.C. § 1451, 29 U.S.C. § 1145 and 29 U.S.C. § 1132, and the Court has jurisdiction pursuant thereto. Venue in this district is proper pursuant to 29 U.S.C. § 1451(d).

2. Plaintiffs are the Board of Trustees of the Plumbers and Pipefitters Union Local 525 Pension Plan, a multiemployer defined benefit pension plan (the “Trust”).

3. Southwest Air Conditioning, Inc. ("SWAC"), which is not a party to this action, contributed to the Trust pursuant to collective bargaining agreement(s) for the purpose of providing pension and related benefits to employees performing work described in such collective bargaining agreement(s).

4. SWAC withdrew from the Trust for purposes of the Multiemployer Pension Plan Amendments Act of 1980 (“MPPAA”), incurring initial withdrawal liability to the Trust.

5. The Trust demanded payment of the withdrawal liability from SWAC.

- SWAC defaulted on its payments of withdrawal liability, still owing \$425,190.

7. The Trust notified SWAC of its default and demanded payment of the amount still owing.

8. The Trust then obtained a judgment against SWAC in the amount of \$549,044, for the withdrawal liability due, in addition to liquidated damages, interest and attorney's fees and costs pursuant to MPPAA and ERISA. *See Board of Trustees of the Plumbers and Pipefitters Union Local 525 Pension Plan v. Southwest Air Conditioning, Inc.*, No. 2:16-cv-02355-KJD-VCF (D. Nev. May 23, 2017).

SOLE CAUSE OF ACTION

Withdrawal Liability – Against All Defendants

9. Defendant Southwest Air Conditioning Service, Inc. (“SW Service”), Defendant Southwest Plumbing, Inc. (“SW Plumbing”) and SWAC are all commonly owned by one or more members of the Halverson family.

10. SWAC, SW Service and SW Plumbing are trades or businesses under common control.

11. As members of a control group, SWAC, SW Service and SW Plumbing constitute a single employer for purposes of withdrawal liability owed to the Trust.

12. Defendants are therefore jointly and severally liable for SWAC's withdrawal liability.

1 13. SWAC refuses to pay the Trust's judgment, failed to attend court ordered
2 judgment debtor examinations and refuses to reschedule the judgment debtor examinations
3 despite its promises to do so.

4 14. SWAC has gone out of business and is unlikely to possess assets sufficient to pay
5 the Trust's judgment against it for withdrawal liability. As a result, the Trust now seeks to recover
6 from Defendants, who are SWAC's control group members.

7 WHEREFORE, Plaintiffs pray for relief as follows:

- 8 1. A judgment against Defendants for the demanded withdrawal liability;
9 2. Prejudgment interest as provided by ERISA and the Trust's Collection Policy;
10 3. Liquidated damages and interest as provided by ERISA and the Trust's Collection
11 Policy;
12 4. Costs and attorney's fees as provided by ERISA; and
13 5. Such other relief as the Court deems proper.

14 Dated: January 25, 2018.

BROWNSTEIN HYATT FARBER SCHRECK, LLP

/s/ Christopher M. Humes

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